

UNITED STATES OF AMERICA
before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 97919 / July 17, 2023

Admin. Proc. File No. 3-21402

In the Matter of
In the Matter of the Application of
JASON LYNN DIPAOLA
For Review of Disciplinary Action Taken by
FINRA

ORDER GRANTING EXTENSION OF TIME

On May 1, 2023, Jason Lynn DiPaola filed an application for review of FINRA disciplinary action taken against him. On May 17, 2023, we issued an Order Scheduling Briefs directing DiPaola to file a brief in support of the application by June 16, 2023.¹ DiPaola did not file an opening brief by the time prescribed.

On June 26, 2023, DiPaola filed a request to extend the time to file his opening brief to September 30, 2023. DiPaola asserted that “[i]t was recently brought to [his] attention that [his] brief is past due”; that he is a *pro se* applicant who is “not familiar with the procedures and timelines for when submissions are due”; and that he “still need[s] time to gather the information” for his brief, which he is preparing “in [his] spare time” as he has “a full time job.”

By order of March 18, 2020, we provided that, pending further order of the Commission, reasonable requests for extensions of time will not be disfavored as stated in Rule of Practice 161.² Given the circumstances, we find it appropriate to extend the time for DiPaola to file his opening brief, but that he has not established the need for the full 96 days from the day of

¹ *Jason Lynn DiPaola*, Exchange Act Release No. 97518, 2023 WL 3530176 (May 17, 2023).

² *Pending Administrative Proceedings*, Exchange Act Release No. 88415, 2020 WL 1322001, at *1 (Mar. 18, 2020); *see also* 17 C.F.R. § 201.161.

his motion that he requests. We instead find that it is appropriate to grant DiPaola a 30-day extension from the date of this order.³

Accordingly, it is ORDERED that a brief in support of the application for review shall be filed by August 16, 2023, a brief in opposition shall be filed by September 15, 2023, and any reply brief shall be filed by September 29, 2023.⁴ The parties are reminded that, pursuant to Rule of Practice 180(c), failure to file a brief in support of the application may result in dismissal of this review proceeding.⁵

³ Cf. Rule of Practice 450(a), 17 C.F.R. §§ 201.450(a) (providing that, “[u]nless otherwise provided, opening briefs shall be filed within 30 days of the date of the briefing scheduling order”).

⁴ As provided by Rule 450(a), no briefs in addition to those specified in this schedule may be filed without leave of the Commission. Attention is called to Rules of Practice 450(b) and (c), 17 C.F.R. §§ 201.450(b) and (c), as to content and length limitations, and Rules of Practice 150 – 153, 17 C.F.R. §§ 201.150 – 153, as to form and service.

⁵ 17 C.F.R. § 201.180(c).

The parties' attention is directed to the e-filing requirements in the Rules of Practice.⁶ DiPaola must serve the Division with a copy of any document that he files with the Commission,⁷ and he must include a certificate of service with each document that he files.⁸

For the Commission, by its Secretary, pursuant to delegated authority.⁹

Vanessa A. Countryman
Secretary

⁶ *Amendments to the Commission's Rules of Practice*, Exchange Act Release No. 90442, 2020 WL 7013370 (Nov. 17, 2020), 85 Fed. Reg. 86,464, 86,474 (Dec. 30, 2020), <https://www.sec.gov/rules/final/2020/34-90442a.pdf>; *Instructions for Electronic Filing and Service of Documents in SEC Administrative Proceedings and Technical Specifications*, <https://www.sec.gov/efapdocs/instructions.pdf>. The amendments impose other obligations such as a redaction and omission of sensitive personal information requirement. *Amendments to the Commission's Rules of Practice*, 85 Fed. Reg. at 86,465–81. And the amendments provide further requirements if a person cannot reasonably comply with the electronic filing requirements due to lack of access to electronic transmission devices. *Id.* at 86,478–79; *see also* Rules of Practice 150(c)(1), 152(a)(1), 17 C.F.R. §§ 201.150(c)(1), 201.152(a)(1) (addressing certification of inability to serve and file documents electronically).

⁷ Rule of Practice 150(a), 17 C.F.R. § 201.150(a). FINRA is represented by Elizabeth Sisul, FINRA, 1735 K Street NW, Washington, DC 20006.

⁸ Rule of Practice 151(d), 17 C.F.R. § 201.151(d). A certificate of service “stat[es] the name of the person or persons served, the date of service, the method of service, and the mailing address or email address to which service was made, if not made in person.” *Id.*

⁹ 17 C.F.R. § 200.30-7(a)(4).